

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

JERI LYNN ELLIS, M.D. )

Case No. 800-2018-043211

Physician's & Surgeon's )  
Certificate No. G85106 )

Respondent. )

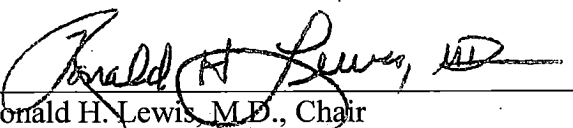
**ORDER CORRECTING NUNC PRO TUNC  
EFFECTIVE DATE OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error reflecting the effective date of the Decision in the above-entitled matter, and that such clerical error should be corrected.

IT IS HEREBY ORDERED that the effective date contained in the Decision in the above-entitled matter be and is hereby amended and corrected nunc pro tunc to reflect that the correct effective date is as follows:

"January 16, 2019."

IT IS SO ORDERED December 17, 2018:

  
\_\_\_\_\_  
Ronald H. Lewis, M.D., Chair  
Panel A  
Medical Board of California

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3760  
6 Facsimile: (415) 703-5480  
E-mail: Rebecca.Wagner@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JERI LYNN ELLIS, M.D.**  
14 3101 Hackberry Road,  
Oklahoma City, OK 73120

15  
16 Physician's and Surgeons Certificate No. G 85106

17 Respondent

Case No. 800-2018-043211

**DEFAULT DECISION**  
**AND ORDER**

[Gov. Code, §11520]

18  
19 On September 12, 2018, an employee of the Medical Board of California (Board) sent by  
20 certified mail a copy of Accusation No. 800-2018-043211, Statement to Respondent, Notice of  
21 Defense in blank, copies of the relevant sections of the California Administrative Procedure Act  
22 as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to  
23 Jeri Lynn Ellis, M.D. (Respondent) at her address of record with the Board, 3101 Hackberry  
24 Road, Oklahoma City, OK 73120. The United States Post Office returned the package marked  
25 "Return to Sender Vacant Unable to Forward." On October 10, 2018, an employee of the Board  
26 sent the package to an alternate address for Respondent, 2117 S.W. 78<sup>th</sup> Street, Oklahoma City,  
27 OK 73159-5143. The USPS tracking service shows that notice was left, but there was no  
28 authorized recipient available. (Accusation Package, proof of service, USPS returned envelope,

1 USPS tracking notice, Exhibit Package, Exhibit 1<sup>1</sup>.)

2 There was no response to the Accusation. On October 2, 2018, an employee of the  
3 Attorney General's Office sent by certified and regular first class mail, addressed to Respondent  
4 at both her address of record and the alternate address indicted above, a courtesy Notice of  
5 Default, advising Respondent of the service Accusation, and providing her with an opportunity to  
6 file a Notice of Defense and request relief from default. (Exhibit Package, Exhibit 2, Notice of  
7 Default, proof of service.)

8 Respondent has not responded to service of the Accusation or the Courtesy Notice of  
9 Default. She has not filed a Notice of Defense. As a result, Respondent has waived her right to a  
10 hearing on the merits to contest the allegations contained in the Accusation.

### 11 FINDINGS OF FACT

#### 12 I.

13 Kimberly Kirchmeyer is the Executive Director of the Board. The charges and allegations  
14 in the Accusation were at all times brought and made solely in the official capacity of the Board's  
15 Executive Director.

#### 16 II.

17 On March 26, 1999, Physician's and Surgeon's Certificate No. G85106 was issued by the  
18 Board to Jeri Lynn Ellis, M.D. The certificate is in delinquent status, having expired on May 31,  
19 2014. (Exhibit Package, Exhibit 3, License Certification.)

#### 20 III.

21 On September 12, 2018 and again on October 10, 2018, Respondent was duly served with  
22 an Accusation, alleging causes for discipline against Respondent. A Courtesy Notice of Default  
23 was thereafter served on Respondent. Respondent failed to file a Notice of Defense.

24 ///

25 ///

26 ///

27  
28 <sup>1</sup> The evidence in support of this Default Decision and Order is submitted herewith as the  
"Exhibit Package."

IV.

The allegations of the Accusation are true as follows:

On January 11, 2018, the Oklahoma State Board of Medical Licensure and Supervision (Oklahoma Board) issued an Order Accepting Voluntary Submittal to Jurisdiction, which placed limitations and conditions on Respondent's license. The Order Accepting Voluntary Submittal to Jurisdiction was based on the following facts:

An investigation was conducted by the Oklahoma Bureau of Narcotics and Dangerous Drugs and the United States Drug Enforcement Agency which resulted in Respondent providing an undercover agent with a Hydrocodone prescription despite never having met the undercover agent. An undercover agent met initially with Dennis Roberts, M.D., a physician who was already on Oklahoma Board ordered probation and restricted from prescribing Controlled Dangerous Substances (CDS). Dr. Roberts did a minimal physical examination and told the undercover agent to return next time with past medical records. A clinic employee provided the undercover agent with a prescription for Hydrocodone signed by the Respondent. The undercover agent returned for a second appointment and stated that she was in no pain and she failed to bring any past medical records, nevertheless, another prescription was signed by the Respondent for the undercover agent still without ever meeting with the undercover agent. Respondent was the medical director at an Urgent Care Travel Clinic and authorized an Advanced Registered Nurse Practitioner to sign her name to prescriptions for CDS, according to the nurse. Oklahoma investigators met with the Respondent and she ultimately admitted to signing prescriptions for patients she had never met. Three patients were interviewed that confirmed they had received prescriptions signed by the Respondent despite never having met the Respondent. (A true and correct copy of the Oklahoma Board's Order Accepting Voluntary Submittal to Jurisdiction is attached to the Accusation, Exhibit Package, Exhibit 1.)

**DETERMINATION OF ISSUES**

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the Oklahoma State Board of Medical Licensure and Supervision constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141(a).

1 **DISCIPLINARY ORDER**

2 Physician's and Surgeon's certificate No. G85106 issued to Jeri Lynn Ellis, M.D.  
3 is hereby **REVOKED**.

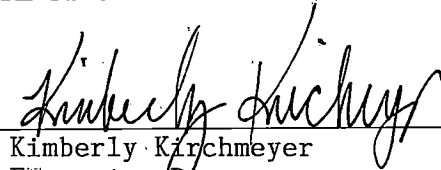
4 Respondent shall not be deprived of making a request for relief from default as set forth in  
5 Government Code section 11520(c) for good cause shown. However, such showing must be  
6 made in writing by way of a motion to vacate the default decision and directed to the Medical  
7 Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven  
8 (7) days of the service of this Decision.

9 This Decision will become effective January 16, 2018, 2018 at 5:00 p.m.

10 It is so ordered on December 17, 2018.

11 MEDICAL BOARD OF CALIFORNIA  
12 DEPARTMENT OF CONSUMER AFFAIRS  
13 STATE OF CALIFORNIA

14 By

  
15 Kimberly Kirchmeyer  
16 Executive Director

17 SF2018201204  
18 ellis.default.docx  
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26  
27  
28

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3760  
6 Facsimile: (415) 703-5480  
E-mail: Rebecca.Wagner@doj.ca.gov  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Sept. 12 2018  
BY [Signature] ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2018-043211

12 Jeri Lynn Ellis, M.D.  
13 3101 Hackberry Road,  
Oklahoma City, OK 73120

ACCUSATION

14 Physician's and Surgeon's Certificate  
15 No. G 85106,

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about March 26, 1999, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 85106 to Jeri Lynn Ellis, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate expired on May 31, 2014, and has not been renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.     Section 2227 of the Code states:

2           “(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
3     Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
4     has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
5     action with the board, may, in accordance with the provisions of this chapter:

6           “(1) Have his or her license revoked upon order of the board.

7           “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
8     order of the board.

9           “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
10    order of the board.

11          “(4) Be publicly reprimanded by the board. The public reprimand may include a  
12    requirement that the licensee complete relevant educational courses approved by the board.

13          “(5) Have any other action taken in relation to discipline as part of an order of probation,  
14    as the board or an administrative law judge may deem proper.

15          5.     Section 2305 of the Code states:

16          “The revocation, suspension, or other discipline, restriction or limitation imposed by  
17    another state upon a license or certificate to practice medicine issued by that state, or the  
18    revocation, suspension, or restriction of the authority to practice medicine by any agency of the  
19    federal government, that would have been grounds for discipline in California of a licensee under  
20    this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
21    for unprofessional conduct against the licensee in this state.”

22          6.     Section 141 of the Code states:

23          “(a) For any licensee holding a license issued by a board under the jurisdiction of the  
24    department, a disciplinary action taken by another state, by any agency of the federal government,  
25    or by another country for any act substantially related to the practice regulated by the California  
26    license, may be a ground for disciplinary action by the respective state licensing board. A  
27    certified copy of the record of the disciplinary action taken against the licensee by another state,  
28

1 an agency of the federal government, or another country shall be conclusive evidence of the  
2 events related therein.

3 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
4 provision in the licensing act administered by that board that provides for discipline based upon a  
5 disciplinary action taken against the licensee by another state, an agency of the federal  
6 government, or another country."

### 7 CAUSE FOR DISCIPLINE

#### 8 **(Discipline, Restriction, or Limitation Imposed by Another State)**

9 7. Respondent Jeri Lynn Ellis, M.D. is subject to disciplinary action under sections  
10 141(a) and/or 2305 of the Code in that on January 11, 2018, the Oklahoma State Board of  
11 Medical Licensure and Supervision issued an Order Accepting Voluntary Submittal to  
12 Jurisdiction placing limitations and conditions on Respondent's license. The circumstances are  
13 as follows:

14 8. On or about November 2, 2017, Respondent executed an Agreement Not to Practice  
15 in the State of Oklahoma after an investigation was conducted by the Oklahoma Bureau of  
16 Narcotics and Dangerous Drugs and the United States Drug Enforcement Agency which resulted  
17 in Respondent providing an undercover agent with a Hydrocodone prescription despite never  
18 having met the undercover agent.

19 9. An undercover agent met initially with Dennis Roberts, M.D. who was already on  
20 Oklahoma Board ordered probation and restricted from prescribing Controlled Dangerous  
21 Substances (CDS). Dr. Roberts did a minimal physical examination and told the undercover  
22 agent to return next time with past medical records. A clinic employee provided the undercover  
23 agent with a prescription for Hydrocodone signed by the Respondent. The undercover agent  
24 returned for a second appointment and stated that she was in no pain and she failed to bring any  
25 past medical records, nevertheless, another prescription was signed by the Respondent for the  
26 undercover agent still without ever meeting with the undercover agent.



10. Respondent was the medical director at an Urgent Care Travel Clinic and authorized an Advanced Registered Nurse Practitioner to sign her name to prescriptions for CDS, according to the nurse.

11. On June 15, 2017, Oklahoma investigators met with the Respondent and she ultimately admitted to signing prescriptions for patients she had never met. Three patients were interviewed that confirmed they had received prescriptions signed by the Respondent despite never having met the Respondent.

12. Respondent's conduct and the action of the Oklahoma State Board of Medical Licensure and Supervision as set forth in Paragraphs 7 through 11, above, and within the actual Board documents attached as Exhibit A, constitutes unprofessional conduct within the meaning of 2305 and conduct subject to discipline within the meaning of section 141(a).

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 85106, issued to Jeri Lynn Ellis, M.D.;
2. Revoking, suspending or denying approval of Jeri Lynn Ellis, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Jeri Lynn Ellis, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: September 12, 2018

KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2018201204  
Ellis.jeri.accusation

Exhibit A

Oklahoma State Board of Medical Licensure and Supervision

Order Accepting Voluntary Submittal to Jurisdiction

**IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA**

**STATE OF OKLAHOMA, *ex rel.*  
OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE  
AND SUPERVISION,**

**Plaintiff,**

**v.**

**JERI LYNN ELLIS, M.D.,  
LICENSE NO. MD 20048,**

**Defendant.**

**FILED**

**JAN 08 2018**

**OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION**

**Case No. 17-06-5476**

**VERIFIED COMPLAINT**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board") for its Complaint against Jeri Lynn Ellis, M.D. ("Defendant"), alleges and states as follows:

**I. JURISDICTION**

1. This Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq.* In Oklahoma, Defendant holds medical license no. 20048, issued on February 24, 1997.
2. In Oklahoma, Defendant holds medical license no. 20048, issued February 24, 1997.

**II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT**

3. This action was referred to Board investigators by agents of the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBNDD") and the United States Drug Enforcement Agency ("DEA"). A large portion of the information provided deals with undercover transactions by an OBNDD agent who ultimately received a Hydrocodone prescription from Defendant in spite of never having met her.
4. OBNDD Agent Elsa Castro accompanied OBNDD Agent Desirae Ferguson to her first appointment. Agent Ferguson met with Dennis Roberts, M.D., who is currently on Board ordered probation. As part of the probation, Dr. Roberts is restricted from prescribing Controlled Dangerous Substances ("CDS"). Dr. Roberts' examination essentially consisted of having Agent Ferguson bend at the waste to demonstrate any limitations in her range of motion. Dr. Roberts did tell Agent Ferguson that she needed to bring her

past medical records with her to the next appointment. After the examination, Dr. Roberts had Ferguson return to the waiting room. Several hours later, a clinic employee brought Agent Ferguson prescriptions signed by Defendant for Hydrocodone and an x-ray. The entire appointment lasted approximately seven hours.

5. At a second appointment, Agent Ferguson failed to bring any medical records with her. Agent Ferguson claimed to be in no pain, yet was still given a new Hydrocodone prescription. The prescription was signed by Defendant who had never seen Agent Ferguson.
6. K.M.C. was working as an Advanced Registered Nurse Practitioner at the Urgent Care Travel ("UCT") clinic, located at I-40 and Mustang Road in Oklahoma City, OK, where Defendant serves as the medical director. K.M.C. stated to investigators that Defendant authorized her to sign Defendant's name to prescriptions for CDS.
7. On June 15, 2017 Agent Castro, Investigator Schickedanz and Board Investigator Larry Carter met Defendant at her clinic located in Shawnee, OK. Agent Castro began by asking Defendant to identify all of the individuals to whom she provided medical supervision. Defendant could not recall the name of the nurse practitioner at UTC, but stated that she has supervised the nurse at the Pilot truck stop on I-40 west of Oklahoma City, for approximately the last year and one-half. When asked if the name of the nurse practitioner could be K.M.C., Defendant said she believed that was correct. Defendant claimed she has met K.M.C. on approximately four separate occasions. Defendant seemed somewhat confused however, so Agent Castro asked Defendant to describe K.M.C. Defendant said that K.M.C. was an African American woman, approximately 5'4" or 5'5". Agent Castro stopped Defendant to inform her that K.M.C. is a Caucasian female.
8. Defendant went on to say that there should never have been any CDS prescriptions issued from UTC, because that facility catered to truck drivers, and it would be improper to prescribe drugs that might interfere with their ability to safely operate a vehicle. Defendant believed that the only types of prescriptions that might ever be issued from UTC would be things that were immediately medically necessary, such as blood pressure medication. Defendant made these statements in spite of the demonstrable facts to the contrary.
9. Board Investigator Carter asked Defendant if she saw all of the patients before prescribing to them. Defendant said that she did see each patient initially, but not necessarily on every visit. Agent Castro reminded Defendant of an earlier statement, wherein Defendant admitted to signing CDS prescriptions for patients she had never met.
10. Throughout the interview Defendant spoke very slowly and deliberately, and at times seemed to be confused about the answers to several of the questions she was asked. Defendant's assistant, was present during the interview and at times had to answer on behalf of Defendant, or explain the answer Defendant provided. Similar problems were reported by patients who voiced significant concerns about Defendant's psychological state.

11. OBN Agent Castro and DEA Investigator Ginger Schickedanz interviewed patients J.S.C., J.T.C. and J.D.C. separately. Each of these patients received prescriptions signed by Defendant and each stated they had never met her.

### III. VIOLATIONS

12. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
  - b. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship, in violation of 59 O.S. § 509(12) and Okla. Admin. Code § 435:10-7-4(49);
  - c. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why the physician will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the physician. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and the physician's attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. The medical license of a physician ordered to submit for examination may be suspended until the results of the examination are received and reviewed by the Board, in violation of 59 O.S. § 509(15) and Okla. Admin. Code § 435:10-7-4(18), (40);
  - d. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. § 509(18);
  - e. The delegation of authority to another person for the signing of prescriptions for either controlled or non-controlled drugs, except as provided for in 59 O.S., 519.6D, in violation of Okla. Admin. Code § 435:10-7-4(7).

### V. CONCLUSION

Given the foregoing, the undersigned respectfully requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action

with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

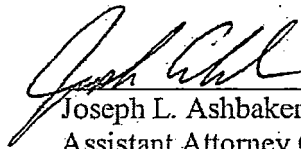
I do hereby certify that the above and foregoing is a true copy of the original

Verified Complaint

now on file in my office.

Witness my hand and Official Seal of the Oklahoma State Board of Medical Licensure and Supervision this 9<sup>th</sup> day

July 2018 Shelley Crowder



Joseph L. Ashbaker, OBA No. 19395

Assistant Attorney General

OKLAHOMA STATE BOARD OF MEDICAL

LICENSURE AND SUPERVISION

101 N.E. 51<sup>st</sup> Street

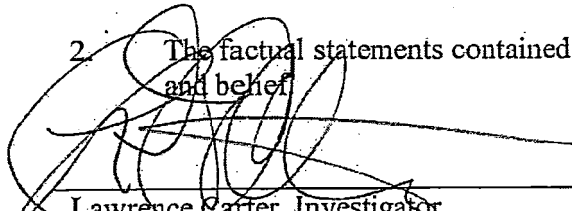
Oklahoma City, Oklahoma 73105

405/962.1400

#### VERIFICATION

I, Lawrence Carter, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Verified Complaint regarding Defendant Jeri Lynn Ellis, M.D.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief



Lawrence Carter, Investigator

OKLAHOMA STATE BOARD OF MEDICAL

LICENSURE AND SUPERVISION

Date:

8 Jan 2018

Oklahoma  
County, State of Execution

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.*  
OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE  
AND SUPERVISION,

Plaintiff,

v.

JERI LYNN ELLIS, M.D.,  
LICENSE NO. MD 20048,

Defendant.

**FILED**

JAN 08 2018

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 17-06-5476

CITATION

**YOU ARE HEREBY NOTIFIED** that on the 8<sup>th</sup> day of January, 2018, a Verified Complaint was filed with the Board Secretary of the State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), charging you with violations of the Medical Practice Act at 59 O.S. §§ 509(8), (12), (15), (18), 519.6D, and Okla. Admin. Code § 435:10-7-4(7), (11), (18), (40), (49).

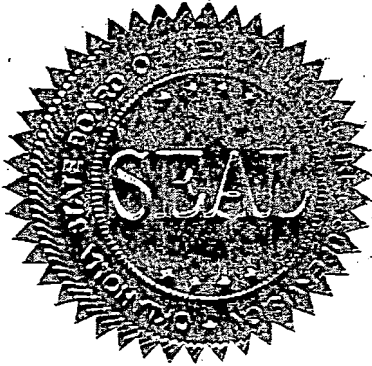
On July 26, 2018 the Board will be in regular session at 9:00 o'clock a.m., at its offices located at 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105, at which time your Complaint will be considered by the Board, and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. § 250, *et seq.*

If the Board decides, after considering all the testimony and evidence, that you are guilty as charged, your license to practice within the State of Oklahoma may be suspended or revoked or other disciplinary action may be taken by the Board as authorized by law, including the assessment of costs and attorney's fees for this action as provided by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of the Board within twenty (20) days after the Citation is served upon you. Unless your Answer is so filed, you will be considered in default, and the Board may accept the allegations set forth in the Complaint as true at the hearing of the Complaint. If the charges are deemed sufficient by the Board, your license to practice in the State of Oklahoma may be suspended or revoked.

**THEREFORE**, you are cited to appear at the hearing set forth above. If you are not present in person, you may be present through your attorney.

Dated this 8<sup>th</sup> day of January, 2018.



Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

I do hereby certify that the above and foregoing is a true copy of the original

Citation

now on file in my office.

Witness my hand and Official Seal of  
the Oklahoma State Board of Medical  
Licensure and Supervision this 9<sup>th</sup> day

July 2018 Shelley Crowder



IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.*  
OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE  
AND SUPERVISION,

Plaintiff,

v.

JERI LYNN ELLIS, M.D.,  
LICENSE MD 20048,

Defendant.

**FILED**

FEB 05 2018

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 17-06-5476

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, and Jeri Lynn Ellis, M.D. ("Defendant"), Oklahoma medical license no. 20048, who appears in person *pro se* (collectively, the "Parties"), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. § 480, *et seq.* ("Act").

Defendant, Jeri Lynn Ellis, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The

BOARD

JLE JLE

Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

### FINDINGS OF FACT

The Plaintiff, Defendant, and Board staff stipulates and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 20048, issued February 24, 1997.
2. Defendant executed an Agreement Not to Practice on November 2, 2017.
3. This action was referred to Board investigators by agents of the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBNDD") and the United States Drug Enforcement Agency ("DEA"). A large portion of the information provided deals with undercover transactions by an OBNDD agent who ultimately received a Hydrocodone prescription from Defendant in spite of never having met her.
4. OBNDD Agent Elsa Castro accompanied OBNDD Agent Desirae Ferguson to her first appointment. Agent Ferguson met with Dennis Roberts, M.D., who is currently on Board ordered probation. As part of the probation, Dr. Roberts is restricted from prescribing Controlled Dangerous Substances ("CDS"). Dr. Roberts' examination essentially consisted of having Agent Ferguson bend at the waste to demonstrate any limitations in her range of motion. Dr. Roberts did tell Agent Ferguson that she needed to bring her past medical records with her to the next appointment. After the examination, Dr. Roberts had Ferguson return to the waiting room. Several hours later, a clinic employee brought Agent Ferguson prescriptions signed by Defendant for Hydrocodone and an x-ray. The entire appointment lasted approximately seven hours.
5. At a second appointment, Agent Ferguson failed to bring any medical records with her. Agent Ferguson claimed to be in no pain, yet was still given a new Hydrocodone prescription. The prescription was signed by Defendant who had never seen Agent Ferguson.
6. K.M.C. was working as an Advanced Registered Nurse Practitioner at the Urgent Care Travel ("UCT") clinic, located at I-40 and Mustang Road in Oklahoma City, OK, where Defendant serves as the medical director. K.M.C. stated to investigators that Defendant authorized her to sign Defendant's name to prescriptions for CDS.
7. On June 15, 2017 Agent Castro, Investigator Schickedanz and Board Investigator Larry Carter met Defendant at her clinic located in Shawnee, OK. Agent Castro began by asking Defendant to identify all of the individuals to whom she provided medical supervision. Defendant could not recall the name of the nurse practitioner at UCT, but stated that she has supervised the nurse at the Pilot truck stop on I-40 west of Oklahoma City, for approximately the last year and one-half. When asked if the name of the nurse

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practitioner could be K.M.C., Defendant said she believed that was correct. Defendant claimed she has met K.M.C. on approximately four separate occasions. Defendant seemed somewhat confused however, so Agent Castro asked Defendant to describe K.M.C. Defendant said that K.M.C. was an African American woman, approximately 5'4" or 5'5". Agent Castro stopped Defendant to inform her that K.M.C. is a Caucasian female.

8. Defendant went on to say that there should never have been any CDS prescriptions issued from UCT, because that facility catered to truck drivers, and it would be improper to prescribe drugs that might interfere with their ability to safely operate a vehicle. Defendant believed that the only types of prescriptions that might ever be issued from UCT would be things that were immediately medically necessary, such as blood pressure medication. Defendant made these statements in spite of the demonstrable facts to the contrary.
9. Board Investigator Carter asked Defendant if she saw all of the patients before prescribing to them. Defendant said that she did see each patient initially, but not necessarily on every visit. Agent Castro reminded Defendant of an earlier statement, wherein Defendant admitted to signing CDS prescriptions for patients she had never met.
10. Throughout the interview Defendant spoke very slowly and deliberately, and at times seemed to be confused about the answers to several of the questions she was asked. Defendant's assistant, was present during the interview and at times had to answer on behalf of Defendant, or explain the answer Defendant provided. Similar problems were reported by patients who voiced significant concerns about Defendant's psychological state.
11. OBNDD Agent Castro and DEA Investigator Ginger Schickedanz interviewed patients J.S.C., J.T.C. and J.D.C. separately. Each of these patients received prescriptions signed by Defendant and each stated they had never met her.

#### CONCLUSIONS OF LAW

12. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
13. Notice was given as required by law and the rules of the Board. 75 O.S. § 309(A); 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
14. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. This authority is quasi-judicial. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. §§ 509(8), (10),


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(12), (15), (8); 509.1(A)(2), (8), (C), (D); Okla. Admin. Code § 435:10-7-4(7), (11), (18), (40), (49).

15. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed-to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. 2011, § 309(E); Okla. Admin. Code § 435:5-1-5.1.
16. Based on the foregoing, the Parties stipulate and agree that Defendant is guilty of unprofessional conduct as follows:
  - a. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public, in violation of 59 O.S. § 509(8) and Okla. Admin. Code § 435:10-7-4(11);
  - b. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship, in violation of 59 O.S. § 509(12) and Okla. Admin. Code § 435:10-7-4(49);
  - c. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection the State Board of Medical Licensure and Supervision may, upon probable cause, request a physician to submit to a mental or physical examination by physicians designated by it. If the physician refuses to submit to the examination, the Board shall issue an order requiring the physician to show cause why the physician will not submit to the examination and shall schedule a hearing on the order within thirty (30) days after notice is served on the physician. The physician shall be notified by either personal service or by certified mail with return receipt requested. At the hearing, the physician and the physician's attorney are entitled to present any testimony and other evidence to show why the physician should not be required to submit to the examination. After a complete hearing, the Board shall issue an order either requiring the physician to submit to the examination or withdrawing the request for examination. The medical license of a physician ordered to submit for examination may be suspended until the results of the examination are received and reviewed by the Board, in violation of 59 O.S. § 509(15) and Okla. Admin. Code § 435:10-7-4(18), (40);
  - d. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. § 509(18);
  - e. The delegation of authority to another person for the signing of prescriptions for either controlled or non-controlled drugs, except as provided for in 59 O.S., 519.6D, in violation of Okla. Admin. Code § 435:10-7-4(7).

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## ORDERS

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. Effective from the date of an approved Attorney General Opinion, the Board hereby adopts the Agreement of the Parties in this Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. It is **ORDERED** that **JERI LYNN ELLIS, M.D.**, shall comply with all of the following terms and conditions:

**Standard Terms:**

- a. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
- b. Defendant will furnish a file-stamped copy of this Order to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
- c. Defendant will keep the Board informed of her current address.
- d. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- e. Defendant will not supervise allied health professionals that require surveillance of a licensed medical practitioner.
- f. Defendant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, as well as hair follicle, upon request of the Board or its designee, and Defendant will pay the costs attendant thereto.
- g. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.
- h. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

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*[Signature]*

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- i. Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee upon request.
- j. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
- k. Defendant will execute such releases of medical and psychiatric records during the entire term of this Agreement as necessary for use by the Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- l. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting.
- m. If Defendant moves her residence or practice location out of the State of Oklahoma during this Agreement, the Agreement will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary prior to moving out-of-state.

**Specific Terms:**

- n. Defendant shall not prescribe any controlled dangerous substances ("CDS").
- o. Defendant shall sign a lifetime contract with the Oklahoma Health Professionals Program ("OHPP") and abide by all recommendations. This shall include, but is not limited to, urine drug screens, Sober Link, and meeting attendance records.
- p. Defendant's practice plan terms, including type, setting, location, must be approved of in advance by the Board Secretary.
  - 1. Defendant shall practice in structured setting with other fully licensed physicians.
  - 2. Defendant shall practice under supervision of a fully licensed physician to serve as practice monitor. Supervisor shall submit quarterly evaluations to the Board Secretary.
  - 3. Defendant shall not see more than 20-25 patients per day.
  - 4. Defendant shall not supervise any mid-level providers.

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5. If Defendant finds employment that does NOT involve direct patient care (for example, administrative medicine), the practice terms could be modified by the Board Secretary.
- q. Defendant shall complete follow-up evaluation appointment(s) with all of her current OUHSC physicians, Department of Psychiatry and Behavioral Sciences, within six (6) months after receipt of an approved Oklahoma Attorney General Opinion. OUHSC physicians will submit report(s) to the Board Secretary following evaluation appointment(s).
- r. Defendant shall complete a follow-up evaluation appointment with a Board approved Neurologist (currently, Tehseen Khan M.D.), within six (6) months after receipt of an approved Oklahoma Attorney General Opinion. The Neurologist will submit a report to the Board Secretary following the evaluation appointment.
- s. Defendant shall complete a follow-up evaluation appointment with a Primary Care Physician (currently, Steven Burner M. D.), within three to six (3-6) months after receipt of an approved Oklahoma Attorney General Opinion. The PCP will submit a report to the Board Secretary following the evaluation appointment.
- t. Defendant shall repeat a neuropsychological assessment within eighteen to twenty-four (18-24) months from the date of last assessment. The assessor or evaluator will submit a report to the Board Secretary.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. A copy of this Order shall be provided to Defendant as soon as it is processed.

**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

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Order Accepting Voluntary Submittal to Jurisdiction; 17-06-5476  
Jeri Lynn Ellis, MD 20048

Dated this 11<sup>th</sup> day of January, 2018.

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Henry P. Ross, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Jeri Lynn Ellis, M.D.  
License MD 20048

Billy H. Stout, M.D.  
Billy H. Stout, M.D., Board Secretary  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

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(405) 962-1499 Facsimile  
jashbaker@okmedicalboard.org  
*Attorney for Plaintiff*

I do hereby certify that the above and  
foregoing is a true copy of the original

Order Accepting Voluntary Submittal  
to Jurisdiction

now on file in my office.

Witness my hand and Official Seal of  
the Oklahoma State Board of Medical  
Licensure and Supervision this 9<sup>th</sup> day

July 2018 Shelley Clowder

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